

Serial No.: 10/728,405  
*REQUEST FOR CONTINUED EXAMINATION*

Attorney Docket No. 004017.00066

### **Remarks**

The Examiner objected to the drawing, and in particular, to features allegedly set forth in claims 28-30. There are no pending claims 28-30. It is believed therefore that the Examiner's objections are directed to the features set forth in claims 72-74 and commented upon in paragraph 7 of the last Official Action. In this regard, the Examiner's attention is directed to paragraph 63 of the specification as well as Figure 17, wherein it is explained that a device described as an uplift anchor or tell tale element may be used in lieu of a sacrificial cap. Thus, it is believed that the specification as well as the drawing depicts the invention in a manner which a person of ordinary skill in the art will understand. Reconsideration and withdrawal of this objection is respectfully requested.

Applicant does note that a number is missing from the drawing, namely the number 33 which is referenced in paragraph 60. Applicant encloses herewith a proposed correction to the drawing incorporating number 33 as referenced in paragraph 60. Acceptance of this correction is respectfully requested.

### **Claim Rejections – 35 U.S.C. §§ 102 and 103**

The Examiner relied principally upon the reference to this Visconti U.S. Patent No. 5,152,639 in objecting the claims either pursuant to §102 or §103. The § 103 rejections were based upon Visconti in combination with various references, including Kato et al. Patent No. 6,540,443, Pao Chen Patent No. 3,869,869 and Colle Patent No. 3,270,511. Applicant respectfully retraverses all of these rejections for the reasons recited hereinafter.

Briefly as previously discussed, the invention comprises apparatus for construction of a soil reinforcement pier in a soil matrix. A specially constructed hollow elongate tube is provided with a bulbous end. The leading end of the bulbous head element has generally frustoconical surface associated with the leading end as does the trailing edge. Thus, bottom end has a generally frustoconical configuration leading end section and a trailing end section which has a generally frustoconical configuration. These frustoconical configurations provide the functional aspects set forth in the claims.

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of providing both axial and transaxial stress components on the soil matrix. The provision of such axial and transaxial stress components on the soil matrix greatly enhances the structural integrity of the pier formed by the apparatus of the invention.

These features are clearly not taught by the Visconti or any of the other references alone or in combination. Visconti is in effect, a pipe within a pipe. The leading end of the pipe is a flat surface. The function of the Visconti configuration is to drive a water soaked soil and compact that soil downwardly so that concrete may be inserted through the pipe as it is withdrawn. There is no teaching of the concept of providing axial and transaxial forces by virtue of a bulbous end construction or bulbous head element or equivalent, as claimed. Applicant submits that none of the references taken alone or in combination teach this feature or the functional aspects of the claimed features.

It is to be noted that Applicant has added various claims to more completely illustrate and demonstrate the unique aspects of the invention. Thus, the new claims 77-79 delineate the configuration of the outside surface of the frustoconical portion of the head element. Claims 80-82 delineate the axial dimension thereof. Claims 83-85 are directed to the combination of the features associated with claims 77-82.

In view of the foregoing amendments and remarks, therefore, it is believed that the claims in their amended condition are allowable and are significantly different from the prior art. Applicant respectfully requests reconsideration thereof and passage of the claims to allowance.

Respectfully Submitted,

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